IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL No. 1 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 05/11/2004 in WP No. 20322 OF 2004 on the file of the High Court.)

Between:

1. Smt. G. Victoria, W/o. G.S. Rao,
Tondangi Village and Mandalam, East Godavari District.
2. Kalina Babu Rao, S/o. Veerraju,
Thondangi Village and Mandalam, East Godavari District.

..... APPELLANTS

AND

1. The Commissioner, Temple Lands & Endowments, Government of A.P. Tilak Road, Hyderabad.
2. The Regional Joint Commissioner, Temple Endowments Department, Kakinada, East Godavari District.
3. The Assistant Commissioner, Temple & Endowments Land Rajahmundry, East Godavari District.
4. The Executive Officer, Pithapuram Endowments Lands Pithapuram, East Godavari District.

.....RESPONDENTS

Counsel for the Appellants: Mr. G.RAMACHANDRA RAO

Counsel for Respondent Nos.1 to 3: GP FOR ENDOWMENTS

Counsel for Respondent No.4: Smt.N.Indrani

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

The appellants filed the Writ Petition in order to have the order passed by the Regional Joint Commissioner, Temple, Endowments Department, Kakinada, dated: 23.10.2004 set aside. The said order passed in Rc.No.A3/4666/2004 duly considered the representation of the petitioner-appellants that they were cultivating tenants of an extent of Ac.4.08 cents covered by Survey No. 538 of Thondangi village by public auction, and, that they are landless poor and have right to purchase the land under Section 82 of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 @ 75% of the prevailing market value. Such representation of the petitioners was duly considered by the Regional Joint Commissioner of Endowments, who recorded a finding that petitioner No.1 was not a tenant at all. Petitioner No.2 was held to be cultivating tenant to the extent of Ac.4.68 of land and he was held not to be a landless poor person and the land held by the petitioner No.2 was found to be more than Ac.2.50 cents. Therefore, recording the finding that Section 82 (2) of the Act will not apply to the petitioners dismissed their representation. Challenge was made to this order. Learned Single Judge, in view of the concurrent finding of fact, held that there is no ground made out to interfere with the order passed by the second respondent and proceeded to dismiss the writ petition and while dismissing the writ petition, learned Single Judge held that the dismissal of the writ petition will not prevent the petitioners to participate in the auction, if any, conducted by the 4th respondent in respect of the leasehold rights of the land in question, and, thus, with this well-reasoned order, which is in consonance with law, there is no ground to interfere. The Writ Appeal, therefore, is dismissed. No costs.

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DEVINDER GUPTA, C.J.

17.3.2005

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B.SESHASAYANA REDDY, J.

VR.

To

1. The Commissioner, Temple Lands & Endowments, Government of A.P. Tilak Road, Hyderabad.
2. The Regional Joint Commissioner, Temple Endowments Department, Kakinada, East Godavari District.
3. The Assistant Commissioner, Temple & Endowments Land Rajahmundry, East Godavari District.
4. The Executive Officer, Pithapuram Endowments Lands Pithapuram, East Godavari District.

5. Two CCS to Government Pleader for Endowments, High Court Buildings, Hyderabad (OUT).

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